

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

August 5, 2014

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:00 a.m. on August 5, 2014.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown – departed 1:00p.m.
Thomas Cloud – arrived 11:30 a.m.
Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
Matt Mitchell
Patrick Richard
Craig Von Deylen

Commissioners not present at the Commission meeting:

James Hoch

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, was present.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the July 1, 2014, meeting. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

Chairman Hawkins announced that Marilyn Love, a long-time employee of Plan Review, would be retiring August 29th, and urged those who had worked with her over the years to stop in and wish her well. He also noted that the new attorney, Pam Walters, was present and learning about how the Commission worked. Chairman Hawkins also announced that the governor had signed the four new codes, and their effective date would be December 1, 2014.

3. Ordinances

Allen County - Title 6
Allen County, Indiana

Mara Snyder, Director, Legal and Code Services, noted that the Allen County ordinance was in order and recommended approval. Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Building Ordinance No. 1379
Bluffton, Indiana

Mara Snyder, Director, Legal and Code Services, expressed some concern about the language used in the Class 2 structure definition of the Bluffton ordinance, and did not recommend approval. Commissioner Corey moved to deny with the second by Commissioner Von Deylen. It was voted upon and carried. A discussion was held concerning the use of grammar in the proposed ordinance which did not reflect Indiana code, the difference between a Class 1 and Class 2 structure, and engineered wood roof trusses and floor joists..

4. Variances

Tabled Variances

Variance 14-05-14, Fifth Third Bank Security Entrance Vestibule – US 31, Indianapolis, and variance 14-05-15 Fifth Third Bank Security Entrance Vestibule – Washington Street, Indianapolis, had requested to be tabled. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

Variance 14-06-18 8560 Broadway Merrillville – Sprinklers, Merrillville, was represented by Melissa Tupper, RTM Consultants. The request was to be allowed to not maintain the sprinkler system. The owner had hired an architect who determined the interior wall construction was IIIB construction, and sprinklers were therefore not required. Commissioner Mitchell requested that signage be posted on the fire department connection and risers noting that the sprinkler system was not functional, and the local fire department was also to be formally notified. Commissioner Corey moved to approve with the conditions outlined by Commissioner Mitchell. It was seconded by Commissioner Von Deylen, voted upon and carried.

Variance 14-06-19 Midwest Torah Center, South Bend, did not have a proponent present, and had not requested to be tabled again. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

Variance 14-06-21 Chi Omega Sorority – Standpipe Removal, West Lafayette, was represented by Melissa Tupper, RTM Consultants. The request had been to remove the standpipes. The building was to be fully sprinklered with an NFPA 13 and 13R system. It was noted that the local fire official notification was to Purdue University, and not to the Lafayette Fire Department. Mike Koppes, Purdue University, explained that there was a letter of understanding between Purdue and the local fire department which stated the university would provide fire protection since they were actually the closest department. Commissioner Corey then moved that no variance was required, and gave the proponent one week to get the local building official proof of notification to staff. Commissioner Von Deylen made the second. It was voted upon and carried.

Variance 14-06-35 Heir & Assoc. LLC – McCordsville Office Renovation, McCordsville, had been withdrawn by the owner.

Variance 14-07-25(a)(b) Johnson Complex A Renovation Elevators 1, 2, & 3, Muncie

The variances, which dealt with new elevator technology not yet a part of the Indiana Elevator Safety Code, had been incomplete and tabled. It was now complete. Commissioner Von Deylen moved to approve, with the second by Commissioner Brenner. They were voted upon and carried.

Variance 14-07-40 Leffler's Tire Apartment, Peru

No proponent was present for questions, and the variance was still incomplete. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

Regular Variances

Chairman Hawkins noted that variance 14-08-21 Meadow View Health and Rehabilitation, Salem, and variance 14-08-39(a)(b)(c)(d) Moonburn on Morton, Bloomington, had requested to be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Von Deylen moved to table incomplete variances 14-08-27(a)(b)(c) Bulldog Grill, Mentone, 14-08-36 Lawrenceburg High School New Secure Entry, Lawrenceburg, 14-08-44(a)(b)(c)(e) Still Waters Camp, Lexington, 14-08-48(a)(b)(c)(d)(e) the Foundry at 304, Bloomington, 14-08-55 519 Main Street Building Renovation, Lafayette, 14-08-63 Beckwith Memorial Park Splashpad, Indianapolis, 14-08-66(a)(b)(c) 9 On Canal, Indianapolis, and 14-08-71 Johnson County REMC, Franklin. The second was made by Commissioner Corey, voted upon and carried.

Chairman Hawkins then called for any abstentions. He noted that he would be abstaining from 14-08-26 Stonecutter Apartments, Bedford, 14-08-29 Miller Asbury Apartments, Greencastle, and 14-08-37 Prince Street Cottages Apartments, Princeton. Chairman Hawkins asked for any A or B variances which were to be called out for individual consideration. Commissioner Brown called out 14-08-04(b) Sunny Meadow School, Nappanee, 14-08-14 Superior Hardwoods, Goshen, 14-08-41(b) Sunrise Cabinets, LaGrange, and 14-08-45 Double L Woodworking Building, Goshen. Commissioner Corey then made a motion to approve the remaining "A" and "B" variances. The second was made by Commissioner Hite. It was voted upon and carried.

The variances which were called out by Commissioner Brown were then brought forward for consideration. Commissioner Corey moved to approve variance 14-08-4(b), 14-08-14, 14-08-41(b), and 14-08-45. The second was made by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

The following variances were approved as submitted:

- (1) 14-08-3 250 Properties LLC, Michigan City
- (2) 14-08-4(a)(c)(d) Sunny Meadow School, Nappanee
- (3) 14-08-6 Student Services and Activities Complex, Westville
- (4) 14-08-12 Valparaiso Campus Ministries Building, Valparaiso
- (5) 14-08-20 Rent One Store, Evansville
- (6) 14-08-22 The Fields Apartments, Bloomington
- (7) 14-08-23 Crescent Park Apartments, Bloomington
- (8) 14-08-25 Citizens Energy Group Langsdale Building 1, Indianapolis
- (9) 14-08-26 Stonecutter Apartments, Bedford
- (10) 14-08-28 Laticrete Combustible Liquid Storage Rooms, Indianapolis
- (11) 14-08-29 Miller Asbury Apartments, Greencastle
- (12) 14-08-30 TMF Center Addition, Williamsport
- (13) 14-08-32(a) US Gypsum South Broad Warehouse Addition, Shoals
- (14) 14-08-35(b) Angie's List Café, Indianapolis
- (15) 14-08-41(a)(c) Sunrise Cabinets, LaGrange

- (16) 14-08-46(b) Storage Express, Indianapolis
- (17) 14-08-47(b) Allen Co. War Memorial Coliseum Exposition Hall Addition, Ft. Wayne
- (18) 14-08-49(a)(b) St. Charles Borromeo Catholic Church, Ft. Wayne
- (19) 14-08-51(b) Woodland Corporate Park Building VII, Indianapolis
- (20) 14-08-53(a) Goshen High School Renovations and Addition, Goshen
- (21) 14-08-54 1014 E. Thornton Drive Windows, Bloomington
- (22) 14-08-56 StorAmerica Bridgewater, Ft. Wayne
- (23) 14-08-57 StorAmerica 146th Street, Westfield
- (24) 14-08-58 1721 S. Highland Ave. Windows, Bloomington
- (25) 14-08-62 YMCA Wells County New Facility, Bluffton
- (26) 14-08-64 College Park Elementary School Phase 1, Indianapolis
- (27) 14-08-65 Classroom Wing Addition College Park Elementary Phase 2, Indianapolis
- (28) 14-08-67(a)(b) Vision Academy at Riverside, Indianapolis
- (29) 14-08-68 University of Indianapolis Health Pavilion, Indianapolis
- (30) 14-08-69(b)(d) GE Aviation, Lafayette

The following variances were heard separately:

- (31) 14-08-2 Stair Supplies, Goshen

The request was to omit the code-required sprinkler system in a spray booth. No proponent was available for questions concerning what type of paint was to be used in the booth and the hardship. Commissioner Brown moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (32) 14-08-5 Suburban Propane North Commerce Dr and US 6 Intersection Improvement, Waterloo

Aaron Ott, A&Z Engineering, spoke as proponent. The request was to allow two 30,000 gallon above-ground propane tanks to be within 31 feet of the public way. The tanks are located on a site elevated 10 feet above the road, and the need for additional right of way for line of sight for drivers in an intersection improvement project created the noncompliance. A w-beam guardrail system, designed to stop a semi, will protect the tanks, as will the ten foot embankment. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (33) 14-08-7 Muncie Central High School, Muncie

Janet McShurley, Muncie Community Schools Special Education Director, spoke as proponent. The request was to allow the use of a keypad lock system in classrooms 116A and 116B to help prevent students from unauthorized exiting of the classrooms. These

students understand how to leave the area, but do not understand the potential danger or the consequences of their actions. A lengthy discussion followed, which included a discussion of a system in which the lock is activated only when a person wearing a transmitter bracelet or necklace approaches the door. Commissioner Brown moved to table to allow the proponent time to investigate alternative methods of securing the classrooms. Commissioner Corey made the second. It was voted upon and carried.

(34) 14-08-9 IU Health Arnett Hospital MOB, Lafayette

Neal Locasto, RTM Consultants, spoke as proponent. The request was to be allowed to omit the high-rise notification system in the fully sprinklered, three story office building. A 2-hour fire barrier separates the MOB from the existing hospital building. Ron Ritchey, Lafayette Fire Department, noted he did not have any objection to the variance. Commissioner Brenner moved to approve, with the second by Commissioner von Deylen. It was voted upon and carried.

(35) 14-08-8 Country Club of Terre Haute Hose Removal, Terre Haute

Mara Snyder, Director, Legal and Code Services noted that additional information had been submitted which put this variance, a request to omit the annual inspection of fire hoses, into a "B" category. Commissioner von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(36) 14-08-10 DJ/W LLC Plant Building, Columbia City

James Ritchie, an operating member, spoke as proponent. The building had been shut down and cleared of all materials. The request was to be allowed to remove the sprinkler system in lieu of maintaining it per code. The owners are negotiating with the city to transfer ownership of the facility to them, and, failing that, demolishing it. Following discussion, Commissioner Brown moved to approve with the condition that the building was not to be occupied. It was then noted that the proper code cite for the application would be IN Fire Code 311.2.2, exception 1. Commissioner Brown withdrew his motion. Commissioner Von Deylen then moved that no variance was required with the corrected code cite, with the second by Commissioner Corey. It was voted upon and carried.

(37) 14-08-11 Triplex Remodel, Ft. Wayne

Mike Christoffersen, Architectural Designs, spoke as proponent. An existing deck will be enclosed, and used as a means of egress for the second floor apartment. The request was to omit the sprinkler system for the enclosure. It will be type V-B construction, and does not increase the path of travel from the second floor to an exit. The existing, exposed floor joists of the deck will have 2 layers of $\frac{5}{8}$ " Type X drywall applied to create a 1-hour

fire barrier in the unheated common area. Jim Murua, Ft. Wayne Fire Department, did not have an objection to the variance. Following discussion, Commissioner Corey moved to approve with the condition that only non-combustible or Class A flame spread materials are used for furnishings. Commissioner Mitchell made the second. It was voted upon and carried with a vote of 5 to 4.

(38) 14-08-13 Batesville Christian Church Addition and Renovation, Batesville

Dennis Peeper, Lynn Armstrong & Associates, spoke as proponent. The request was to allow the sprinkler system of the lower level of the church to be out of service for a period of one to two months during the construction of the addition. The system lines run beneath the area where they need to build the addition. Two separate exits are provided, one directly to the exterior, and the other with less than 75 feet travel distance. Following discussion, Commissioner Brenner moved to approve for a period of two months. Commissioner Brown made the second. It was voted upon and carried.

(39) 14-08-15 2014 Addition to Carefree Christian's Missionary Church, Leavenworth

Lawrence Timperman, architect, spoke as proponent. Also present was Pastor Morris Larimore. The request was to be allowed to omit the sprinkler system in the church which exceeds allowable area for the existing facility and addition, by 300 square feet. The rural church would be unable to fund both the construction and the costs of the sprinkler system. Following discussion, Commissioner von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with one nay.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 10:35 a.m. It was called back to order at 10:46 a.m.

(40) 14-08-16 Lifespring Church, Bainbridge

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the sprinkler system in the fellowship hall for the rural church that was classified as an A-2 occupancy. There will be a table-and-chair seating area of approximately 1,800 square feet for a calculated occupant load of 120. Two-hour fire barriers will divide the building into 4 fire areas, and only the fellowship hall requires sprinklers. The maximum travel distance will be less than 60 feet. A smoke detection system and manual fire alarm system will be provided. The kitchen is a warming kitchen. Bonnie Robison, Director, Plan Review, advised the Commission that David Hannum, during his tenure as Chairman, had stated that fellowship halls would be A-3 occupancies, no matter what, and that is how she had instructed her staff to review. Following discussion concerning

the frequency of use for food service, Commissioner Von Deylen moved that no variance was required, with the second by Commissioner Corey. It was voted upon and carried.

(41) 14-08-17 Turning Point Rehabilitation Center, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. An existing building is being converted from an office to a rehab facility for male clients. The building will be divided by a 2-hour fire wall to reduce the occupants to 16 per side in order to be classified as an R-4 occupancy. The request is to permit a score of 0 in lieu of -28 for vertical openings in the Chapter 34 evaluation. One second floor exit is an open stairway, the other is an exterior exit. Following discussion, Commissioner Brenner moved to approve with the condition that the Chapter 34 score sheet be submitted to staff within one week. Commissioner Corey made the second. It was voted upon and carried. Commissioner Mitchell requested that, in the future, all Chapter 34 variance applications have the score sheet submitted with the application.

(42) 14-08-18(a)(b) Piston's Bar, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The owner had purchased the building next door, building 1, to expand his bar. A property line goes through the wall between buildings 2 and 3, and the openings in that wall would have doors which are locked at all times. The openings between buildings 1 and 2 would have coiling fire doors installed. The request in (a) was to allow the Chapter 34 evaluation to be done on buildings 1 and 2. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried. The request in (b) was to allow the use of points for a fully sprinklered building when the building is not fully sprinklered, in order to pass the Chapter 34 evaluation. The second and third floors will be sprinklered when their use is established so that the configuration is appropriate for that use. They will not be used for storage, and an NFPA 72 automatic fire alarm system will be installed. The basements and roof areas of the buildings will not be sprinklered. Following discussion, Commissioner Brown moved to approve with the condition that the basement, second and third floor of building 1 are not occupied, no flammable or combustible storage is allowed, and smoke detectors are installed in the basements of both buildings. Commissioner Von Deylen made the second. It was voted upon and carried.

(43) 14-08-19 Brickyard Apartments, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The request was to use a 13D sprinkler system in the apartment complex, which had been built in an old rock quarry, in lieu of a 13R. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (44) 14-08-24 Glenhaven Management Company Elevator, Michigan City

No proponent was available for questions. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (45) 14-08-31 Kunkel Square Apartments, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. During the rehab of an existing 10-story office building into apartments, the elevator had a new controller and Phase I and Phase II fire recall installed. No work was done on the shaft. The elevator inspector stated the existing windows did not comply with current code. Staff felt that, since the alteration process did not include shaft construction, no variance was required for the shaft windows. Commissioner Brenner moved no variance was required, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was to allow the existing window openings in the shaft to remain unprotected. Following discussion, Commissioner Corey moved no variance required, with the second by Commissioner Mitchell. It was voted upon and carried.

- (46) 14-08-32(b) US Gypsum South Board Warehouse Addition, Shoals

Ed Rensink, RTM Consultants, spoke as proponent. A catwalk was to be added to connect two upper level spaces, allowing personnel to avoid crossing the truck lanes in the warehouse area and the exit travel distance exceeded the permitted distance. Both ends of the catwalk are to be in sprinklered areas. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (47) 14-08-33(a)(b)(c) Turnstone Center Field House, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow the multisport facility used for Special Olympic events, therapeutic and recreational events for those with physical disabilities, to not fully comply with the 60' side yard requirement for an unlimited area building on the west exterior wall due to site constraints. The fieldhouse will be sprinklered, and the adjacent building is fully sprinklered. Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (b) was to omit the required voice alarm system and install a horn and strobe alarm system in the sprinklered facility instead. Jim Murua, Ft. Wayne Fire Department, did not object to the variance. Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (c) was to omit the eye wash and emergency shower for storage rooms. There will be no hazardous materials kept in the storage areas. The pool chemicals are stored in

the pool mechanical room which does comply. Commissioner Von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(48) 14-08-34 Hotel Broad Ripple, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Two existing buildings are being converted into 9 guest rooms. The 30"x 59" shower unit does not have a compliant curb height for a roll-in shower. The unit is residential, not commercial. A portable seat for the shower will be provided. Following discussion, Commissioner Brenner moved to approve with the condition that the seat be permanent. The second was made by Commissioner Corey. It was voted upon and carried.

Commissioner Cloud arrived at this time.

(49) 14-08-35(a) Angie's List Café, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An existing, unsprinklered building is being converted into an employee dining facility. The request is to allow the additional occupant load of the dining area balcony to be evaluated along with the rest of the building under Chapter 34 and not the sprinkler requirements under new construction rules. The balcony has one means of egress through the building, and the second means of egress is an exterior stair. Following discussion, Commissioner Brenner moved to deny, with the second by Commissioner Brown. It was voted upon and carried.

Chairman Hawkins passed the gavel to Vice-Chairman Mitchell at this time.

(50) 14-08-37 Prince Street Cottages Apartments, Princeton

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit code-required attic access doors. Pre-engineered wood trusses, used in this project, created spaces which were not accessible and did not meet the definition of an attic. The spaces are unoccupied, with no utilities provided. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Chairman Hawkins abstained.

Vice-Chairman Mitchell passed the gavel to Chairman Hawkins.

(51) 14-08-38 Root Studio Building Conversion, Mishawaka

Ed Rensink, RTM Consultants, spoke as proponent. An existing bank building is being converted into a restaurant. The exterior balcony, without a roof and exiting through the building, will add an occupant load of 22 for the purpose of calculating for sprinkler protection. The request is to allow the balcony occupant load to be evaluated under Chapter 34, but not the rules for new construction sprinkler requirements. The building passes Chapter 34 without sprinklers, and will have a smoke detection system connected to the fire alarm system throughout the building. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(52) 14-08-40 Concordia Lutheran Church and School, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. The 17,692 square foot addition of a fitness room, field house, storage rooms, restrooms and lobby, planned for the existing facility, will exceed the allowable are for type II-B construction. The request is to allow the addition to be separated from the existing building by a 2-hour fire barrier in lieu of the required structurally independent 4-hour fire wall. The addition and a portion of the existing building to undergoing renovation will be sprinklered with an NFPA 13 system. A fire alarm and smoke detection in the corridors will be provided. Jim Murua, Ft. Wayne Fire Department, had no objections to the variance if close spaced sprinklers were placed along the new 2-hour wall where no sprinklers are located in the existing building. Commissioner Mitchell moved to approve with that condition. Commissioner Corey made the second. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 11:50 a.m. for lunch. It was called back to order at 1:01 p.m. Commissioner Brown was no longer in attendance.

(53) 14-08-42(a)(b)(c) Dry Creek Furniture, LaGrange

This variance had been missed in the block vote. Commissioner von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

A motion was made by Commissioner Von Deylen to rescind the table of variance 14-08-44(a)(b)(c)(e) Still Waters Camp, Lexington. Commissioner Brenner made the second. It was voted upon and carried.

(54) 14-08-44 Still Waters Camp, Lexington

David Phillips spoke as proponent. The variances are for a church camp, used five to six weeks per year. The request in (a) was to allow the electrical sub-panel in the girls' bathhouse to remain in the attic where installed, despite the noncompliant headspace and

the need to stand on a ladder to access the panel. The panel serves the mechanical equipment in the attic. The disconnect was located in a storeroom, within the same building. Following discussion, Commissioner Cloud moved to approve with the condition that a junction box be installed, with the attic light rewired to the lower panel. Commissioner Von Deylen made a request that a service plug be installed by the panel. Commissioner Cloud agreed. Commissioner Von Deylen then made the second. It was voted upon and carried. Variance (b) was a request to omit gripable handrails for the girls' bathhouse ramp used to provide an accessible entrance. If compliant handrails were installed, the width of the ramp would be reduced to less than minimum allowable width. Another building, with compliant handrails, is being constructed across from the existing bathhouse. Following a discussion which included possible solutions to the issue and a revised application, Commissioner Von Deylen moved to table to allow the proponent time to research the options, with the second by Commissioner Cloud. It was voted upon and carried. Variance (c) was a request to install a 13D sprinkler system in two guest cabins, in lieu of a 13R system. Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (e) was a request to allow the noncompliant porch railings on the President's cabin to remain at 30 inches, instead of 42 inches as required by code, in order to not obstruct the view of the lake. Following a brief discussion, Commissioner Brenner moved to deny, with the second by Commissioner Corey. It was voted upon and carried.

Chairman Hawkins noted he had been approached by proponents for variances which had been tabled as incomplete earlier in the meeting, and that they would be heard as they came up on the agenda. Commissioner Von Deylen moved to rescind the tabling of variance 14-08-27(a)(b)(c) Bulldog Grill, Mentone. Commissioner Corey made the second. It was voted upon and carried.

(55) 14-08-27(a)(b)(c) Bulldog Grill, Mentone

Tim Carter, owner, spoke as proponent. The business is made up of two buildings under one roof, serving as the bar and the overflow area. In variance (a), the additional area had been a pharmacy, and a Chapter 34 evaluation was being done for the change of use. Because the HVAC serves the first floor but has ductwork on more than one floor, it will not pass the evaluation. The second floor is accessible from the exterior stair, and from a stairway located in the rear of what had been the pharmacy. The owner explained that both entrances to the second floor had been padlocked to prevent access by the public. Some of the second floor is used for storage, but is not made available for public use. Following discussion, Commissioner Cloud moved to approve with the second by Commissioner Corey. It was voted upon and carried. Variance (b) dealt with the number of compliant, required exits for each building. The owner will be providing 2 new exits, but requested a year in which to provide the exit in the first building, and 2 years to provide the exit in the second. Variance (c) was a request to allow the change of use while construction of the items required to meet Chapter 34 are completed. Following

discussion, Commissioner Von Deylen moved to table both (b) and (c) to allow the proponent to submit more detailed drawings including floor plans showing exits, with the second by Commissioner Corey. It was voted upon and carried.

(56) 14-08-46(a) Storage Express, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request in variance (a) was to allow the plumbing fixtures and drinking fountains to be omitted. There is no water or sewer service available, and no employees on site. Commissioner Brenner moved no variance required, with the second by Commissioner Corey. It was voted upon and carried.

(57) 14-08-47(a) Allen County War Memorial Coliseum Exposition Hall South Addition, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The request in (a) was to allow temporary exiting during the construction of the addition. Occupant limits of 1,000 will be enforced for Expo I during construction, and 5,280 for Expo II. Jim Murua, Ft. Wayne Fire Department, did not have any objections to the variance. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

Commissioner Von Deylen moved to rescind the tabling of variance 14-08-48(a)(b)(c)(d)(e) The Foundry at 304, Bloomington. Commissioner Brenner made the second. It was voted upon and carried.

(58) 14-08-48(a)(b)(c)(d)(e) The Foundry at 304, Bloomington

Dennis Bradshaw, FP&C Consultants, spoke as proponent. Variances (a) and (c) had been incomplete, and ineligible to be included in the block vote. They were now complete. Commissioner Corey moved to approve (a) and (c), with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was a request to allow a second means of egress required by code to not be provided. The penthouse, occupied by the building owner, will be protected by an NFPA 13R sprinkler system, and the actual occupant load of the unit will be less than ten persons. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (d) was a request to allow the installation of a 3'x 3' hatch with a fixed ladder from the 4th floor to provide access for each of the upper roof levels. Commissioner Mitchell requested the installation of a 4'x 4' hatch with a ladder in each stair enclosure, and Mr. Bradshaw agreed to the request. Commissioner Cloud then moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (e) was a request to allow the use of a Dryerbox for the clothes dryer

exhaust duct, exceeding the allowable length of 25 feet. The proponent requested the variance be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

(59) 14-08-50 New Millenium Building Systems Addition, Butler

Tim Callas, J&T Consulting, spoke as proponent. An addition of 1.2% of the total building area was planned for a factory which manufactures and stores steel products. The addition, which houses equipment used in the manufacturing process, will reduce the 60' side yard on one 65 foot wide portion of the south wall of the facility. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner von Deylen. It was voted upon and carried.

(60) 14-08-51(a) Woodland Corporate Park Building VII, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. Sam Bruner, Pike Township Fire Department, was also present. A double door into a data power room, needed to access the area for maintenance, opens into an exit passageway which is not code compliant. The power room is a normally unoccupied space, and the owner will label the doors "not an exit". Following discussion, Commissioner Von Deylen moved to approve with the condition the doors be labeled as not an exit. Commissioner Corey made the second. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 2:11 p.m. It was called back to order at 2:20 p.m.

(61) 14-08-52 Brookdale Robin Run Village Assisted Living, Indianapolis

Dan Ware, InterDesign, spoke as proponent. An assisted living area is being added to an existing R occupancy building, protected by an NFPA 13 system. The additional 12 to 14 apartments will be attached to two wings of the existing facility. The request is to allow temporary exiting for the two wings affected by the construction. The occupants of F Wing would exit across the courtyard to another building, while D Wing would exit to the basement and follow a horizontal exit to stairs. Residents and staff will have fire drills to practice the temporary exiting. Sam Bruner, Pike Township Fire Department, had no objections. Following discussion, Commissioner Von Deylen moved to approve for 15 months, with the second by Commissioner Corey. It was voted upon and carried.

- (62) 14-08-53(b) Goshen High School Renovation and Addition, Goshen

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Renovations to the facility will increase the travel distance of a previously compliant rehearsal room by an additional 50 feet. The request is to allow the additional travel distance. The addition will be protected by an NFPA 13 sprinkler system, as is the existing building, and smoke detection will also be extended from the existing building. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (63) 14-08-55 519 Main Street Building Renovation, Lafayette

This application was incomplete and ineligible to be heard. Commissioner Von Deylen move to table, with the second by Commissioner Brenner. It was voted upon and carried.

- (64) 14-08-59 Cicero Restaurant Remodel, Cicero

Greg Boyd, owner, spoke as proponent. The request was to omit sprinklers over the exterior patio space. The interior sprinkler system will be upgraded. The local fire marshal was in support of the variance with requests that they restrict smoking and open flames, that decoration and furnishings are to be fire resistant, and that the area have sufficient illumination to ensure a safe discharge. Following discussion, Commissioner Brenner moved to approve with the conditions requested by the local fire marshal. Commissioner Corey made the second. It was voted upon and carried.

- (65) 14-08-60(a)(b) Revery Restaurant Renovation, Greenwood

Melissa Tupper, RTM Consultants, spoke as proponent. The request in variance (a) was to allow a Chapter 34 score of 0 instead of -7 for the open front stair connecting the first and second floors. The stair is to be enclosed by a 1-hour fire partition. The second floor, which is to remain offices, has a second exit via an exterior stair. A fire alarm system and a smoke detection system will be installed. Variance (b) was to allow the exits from the second floor to be a distance apart of less than half the overall diagonal distance of the floor. Following discussion, Commissioner Mitchell moved to approve both (a) and (b), with the second by Commissioner Cloud. It was voted upon and carried.

- (66) 14-08-61 138 East Spring Street Change of Occupancy, New Albany

Greg Edwards, TEG Architects, spoke as proponent. A CDR had been issued and then rescinded due to the incorrect occupancy classification. The building had been constructed in 1905, and is of III-B construction. The second floor is being used as an A-2, with an anticipated attendance of 70 persons for events. The building is within a

National Historic District, and modifications to the building, such as a stair tower or sprinkler system, may not be allowed. Following a lengthy discussion of exiting through parking lots and alternatives, Commissioner Von Deylen moved to deny. Commissioner Corey made the second. It was voted upon and carried.

Commissioner Corey moved to rescind the tabling of variance 14-08-63, Beckwith Memorial Park Splashpad, Indianapolis. Commissioner Von Deylen made the second. It was voted upon and carried.

(67) 14-08-63 Beckwith Memorial Park Splashpad, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The City of Indianapolis had planned to install a splashpad in an existing park, but did not want to provide the code-required unisex toilet and lavatory, dressing facilities and baby-changing station. The concern for public safety and security were offered as the reason for wishing to avoid enclosed structures. The existing park is surrounded by apartment complexes and a Boys & Girls Club, and offers no parking for vehicles. Commissioner Hite noted that the Department of Health was not in favor of the variance, and moved to deny. Commissioner Brenner made the second. In further discussion, Blake Anderson, Shiel Sexton, stated that the park was to have \$500,000 worth of improvements to existing basketball courts and playground equipment, but without the splashpad to support them by bringing in families and reducing crime, the upgrades may not happen. He also would not guarantee that restrooms would be provided in the future. Commissioner Von Deylen stated the Commission was being put in the position of being the ones to kill the splashpad for lack of adequate public sanitation facilities. He asked if this neighborhood is worth a full effort or only a half effort at redevelopment. Chairman Hawkins then called for a vote on the motion to deny. The motion carried.

Commissioner Corey moved to rescind the tabling of variance 14-08-66(a)(b)(c) 9 on Canal, Indianapolis. Commissioner Brenner made the second. It was voted upon and carried.

(68) 14-08-66(a)(b)(c) 9 on Canal, Indianapolis

Tyler Downing, DEEM, spoke as proponent for variances (a) and (b). Variance (a) was to allow the use of flex duct to make the final termination between rigid ductwork and louver connections for clothes dryers. Flex duct is a semi-rigid aluminum which is a self-supporting, corrosion resistant, UL-181, class 1 product. An Indianapolis inspector had okayed the use of this product in the other buildings, and then cited it in this building. Jeff Dean, Indianapolis Department of Code Enforcement, was unfamiliar with the particular citation and could not provide any insight. No photos or product information had been provided by the proponent. Following discussion, Commissioner Von Deylen moved to approve for 30 days, with the second by Commissioner Goeden. It was voted

upon and carried. Photos, a copy of the citation, and product information was to be submitted to staff by August 20, 2014. Variance (b) is to allow the dedicated electrical service space to not comply with the code-required 6' above equipment or to the structural ceiling requirements. The proponent advised that the piping and duct work are in the same space as the electrical panel, and that the walls have been drywalled and finished. Following discussion, Commissioner Corey moved to approve for 30 days, with the second by Commissioner Mitchell. It was voted upon and carried, with one nay. Variance (c) had been submitted by Ed Rensink, RTM Consultants. This was a request to allow access rooms to the trash chutes to be 1-hour rated instead of the required 2-hour rating. The building is protected throughout with an automatic NFPA 13 sprinkler system. Commissioner Corey moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Cloud abstained.

(69) 14-08-69(a)(c) GE Aviation, Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. In variance (a), a new factory will have a mezzanine with team meeting rooms, two exits, and a calculated occupant load of over 1,000. The request is to be allowed to base the occupant load on the expected 200 employee count per shift, with occasional personnel overlap, or a total of 440 persons. The building is to be protected by an NFPA 13 sprinkler system. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) is a request to allow a non-compliant travel distance. Computer modeling of the facility shows that there is sufficient time to exit the sprinklered building under tenable conditions. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Commissioner Von Deylen moved to rescind the tabling of variance 14-08-36 Lawrenceburg High School New Secure Entry, Lawrenceburg. Commissioner Corey made the second. It was voted upon and carried.

(70) 14-08-36 Lawrenceburg High School New Secure Entry, Lawrenceburg

The variance had been given an A recommendation by staff, but was ineligible for the block vote because it was incomplete. It was now complete and eligible to be acted upon. Commissioner Corey moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(71) 14-08-70 Eighth and Main Building Sprinklers, Lafayette

Dean Retherford, owner, spoke as proponent. The facility had been granted a variance in April under the name of Carnahan Hall, and the owner was seeking a modification of that

variance. The request was to allow the garage/storage building and second floor to be sprinklered within two years since both had no utilities and would require a dry system. The second request was to be allowed to use the mezzanine area before the building was fully sprinklered. The first floor and basement sprinklers were to be operational by the end of the week, and sprinkler heads were to be installed over the mezzanine and stairwell also by that time. Ron Richey, Lafayette Fire Department, addressed the Commission. He had met with the proponent, and they had agreed on fire department requests. Panic hardware was to be installed on the exit door currently with the lock. Combustible storage was to be kept under 6 feet. Penetrations in the wall between the corridor and the storage room would be sealed, and a fire-rated door with self-closers would be installed in the garage/storage building. The tenant, John Warner, was also in attendance and agreed to install the panic hardware, keep the combustible storage under 6 feet, and to keep no more than 30 gallons of alcohol on site. Commissioner Corey moved to approve with the above-listed conditions, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Richard abstained.

Commissioner Von Deylen moved to rescind the tabling of variance 14-08-71 Johnson County REMC, Franklin. The second was made by Commissioner Corey. It was voted upon and carried.

(72) 14-08-71 Johnson County REMC, Franklin

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the Type I hood for the residential electric range in the family dining area of the Hospice Care Building. The building is protected throughout by an NFPA 13 system, and a Stove Top FireStop will be installed above the stove. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

5. Discussion and Commission action on Petitions for Review

Alternative Two, South Bend
Order – Fire and Building Code Enforcement

Sri Shirdi Saibaba Sansthan of Tristate Temple
Condition of Variance 13-11-81 (payment of fire watch invoices)

Indiana Shingle Recycling
Order – Indianapolis Fire Department

Commissioner Corey moved to grant the timely-filed petitions for review, with the second by Commissioner Brenner. It was voted upon and carried.

6. Discussion and Commission action on administrative law judge decisions

Indiana Precision, Inc.
Administrative Cause No. 13-16
Order – Local Fire Department
Recommended Dismissal Order

Emmanuel Childcare Ministry
Administrative Cause No. 14-11
Order – Fire and Building Code Enforcement
Recommended Dismissal Order

Commissioner Corey moved to affirm, with the second by Commissioner Von Deylen. It was voted upon and carried.

Mara Snyder, Pam Walters, and Cecilia Ernstes-Boxell left the room at this time.

7. Administrative Cause No. 13-27, consolidated with Administrative Cause No. 14-01
Discussion and action on Nonfinal Order Addressing Agency Orders

L.M. Zeller, Mark Zeller
And Andrew Boeglin *et al.*
Administrative Cause No. 13-27
Administrative Cause No. 14-01
Elevator Order

Members of the Commission had requested briefs to be filed upon the appeal of the Administrative Law Judge Nonfinal order, and the parties had done so. The members of the Commission discussed the questions of required pre-approval of continuing education courses, unlicensed men doing work, direct supervision of employees, and the amount of the fine levied. Following a lengthy discussion, Commissioner Brenner moved to affirm the findings of the Administrative Law Judge, with the second by Commissioner Mitchell. It was voted upon and carried.

8. Comments – Chairman Hawkins

Chairman Hawkins announced that, due to the upcoming Labor Day holiday changing the scheduled meeting date, the cut-off date would be moved back two days to August 7, 2014. He

also noted that the transition to electronic submissions of variance applications was nearing completion, and that there would be only one more month of paper variances. Mara Snyder, Director, Legal and Code Services, asked if the Commissioners had a laptop or if they would need one to be provided for the next meeting in order to view variance applications filed on-line. All commissioners indicated that they had a laptop or tablet.

9. Comments – Mara Snyder

Mara Snyder, Director, Legal and Code Services, stated that the four new codes recently signed by the Governor would be published in the Indiana Register on August 27th. She also extended heartfelt thanks to those who worked so hard on them.

10. Chairman Hawkins called for any further business. Hearing none, he then adjourned the meeting at 4:41 p.m.

APPROVED

John Hawkins, Chairman